

IN THE SPECIFICATION:

Please amend the paragraph beginning at page 6, line 14, as follows.

When the maximum number of “equal rate attempts” (MaxEqualRateAttempts) has been reached, the retry count expiry avoidance algorithm 400 transits to a fallback state 425.

- 5 The retry count expiry avoidance algorithm 400 stores the current transmit rate, for example, in a variable saveTxRate. In this state 425, the transmit rate is decreased very rapidly. The transmit rates that are stepped through are is stored in a transmission rate table 500, discussed further below in conjunction with FIG. 5, that is created when the station 110 joins an IEEE 802.11 Basic Service Set (BSS), or when the station 110 initiates communication with a certain station.